



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

September 21, 2010

✓ Todd A. Hornik
Todd Hornik for Superior Court (1304857)

REDACTED

Warning Letter Re: FPPC Case No. 100703; Todd Hornik

Dear Mr. Hornik:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code section 81000, et seq. This letter is in response to an audit report referred to us by the Franchise Tax Board. The audit covered the period January 1, 2008 through December 31, 2008. A copy of the audit report is enclosed for your information.

The audit found the following: (1) campaign statements were not filed with the Secretary of State; (2) late contribution reports were not filed with the Secretary of State, and 3) receipts or invoices were not maintained for some expenditures.

Section 84215(b) of the Act requires candidates for Superior Court Judge to file their original campaign statements with the Secretary of State; Section 84203 specifies that late contribution reports with that same office. Further, Section 84104 makes it the duty of each candidate and treasurer to maintain detailed records to establish that campaign statements were properly filed; regulation 18401 details the specific required records for expenditures.

The findings in the audit report are violations of the Act. The committee did, however, timely file statements and reports with the Monterey County Registrar of Voters. Additionally, the committee maintained records other than receipts and invoices to document expenditures. Therefore we have decided to close this case with a warning letter.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the FPPC. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Please feel free to contact Program Specialist William Marland with any questions you may have regarding this letter.

Sincerely,

REDACTED

Sue Straine
Chief Investigator
Enforcement Division

Enclosure